

NOTICE OF EMERGENCY RULEMAKING AND NOTICE OF PUBLIC HEARINGS FOR REGULATION CHANGES

Notice is hereby given that the Arkansas Pollution Control and Ecology Commission, under provisions of Arkansas Code Annotated, Section 8-4-202 (e) (1), made a formal finding on December 5, 2003, that an emergency rulemaking action is necessary regarding Commission Regulation No. 6, which governs the National Pollutant Discharge Elimination System (NPDES) program in Arkansas, and adopted, for up to 180 days on an emergency basis, changes to the regulation. In addition to temporarily adopting the changes to Regulation No. 6 on an emergency basis, the Commission instituted its regular rulemaking procedures to schedule a series of public hearings in January and February of 2004 to receive comments regarding the permanent adoption of the changes.

The emergency and proposed permanent changes to Regulation No. 6 acted on by the Commission at its December 5, 2003, meeting, are part of a separate rulemaking package involving Regulation No. 6. A previous legal notice published November 13, 14, and 15, 2003, announced proposed changes to Regulation No. 6 which are unrelated to the changes which are the subject of this legal notice.

Commission authority to adopt regulations regarding the Arkansas NPDES program is found in Arkansas Code Annotated, Section 8-4-202 et seq.

The emergency and proposed permanent changes to Regulation No. 6 establish authority for a permitting program for confined animal feedlots using the dry litter disposal method. Specific details on the permitting program will be developed by the Arkansas Department of Environmental Quality (ADEQ).

Public hearings to receive comments on making permanent the emergency changes to Regulation No. 6 adopted by the Commission will be held as follows:

- January 29, 2004, Springdale High School Cafeteria, 1103 West Emma Avenue, beginning at 6:00 p.m.
- February 2, 2004, University of Arkansas Community College at Hope Auditorium, 2500 South Main, beginning at 6:00 p.m.
- February 5, 2004, Gardner Auditorium (old junior high school building), 1000 South Arkansas, Russellville, beginning at 6:00 a.m.
- February 9, 2004, Smith-Pendergraft Campus Center, University of Arkansas at Fort Smith, 5210 Grand Avenue, beginning at 6:00 p.m.
- February 12, 2004, Arkansas Department of Environmental Quality Building G Commission Room, located within the Arkansas State Police Building Headquarters, No. 1 State Police Plaza, Little Rock, beginning at 2:00 p.m.

Each event will begin with a presentation by ADEQ staff on the proposed changes and a period of general discussion. Following the discussion, the formal portion of the hearing will be held to receive comments on the proposed regulation changes from the public.

Copies of the emergency and proposed permanent changes to Regulation No. 6 are available for public inspection during normal business hours at the ADEQ Customer Service Division in Building D, 8101 Interstate 30 in Little Rock, or at ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro,

Little Rock, Magnolia, Mena, Monticello, Mountain Home, Russellville, Pocahontas, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; and in the Arkansas State Library located on the State Capitol grounds in Little Rock. In addition, a copy of the regulation showing the emergency and proposed permanent changes is available for viewing or downloading at the ADEQ's Internet web site at www.adeq.state.ar.us .

Oral and written comments will be accepted at the hearing, but written comments are preferred in the interests of accuracy. In addition, written or electronic mail comments will be accepted if submitted no later than 4:30 p.m. February 27, 2004. Written comments should be sent to Doug Szenher, Customer Service Division, Arkansas Department of Environmental Quality, P.O. Box 8913, Little Rock, AR 72219-8913. Electronic mail comments should be sent to reg-comment@adeq.state.ar.us .

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Arkansas Department of Environmental Quality